

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

FRANK BONADIO,

Plaintiff,

v.

Case No. 4:13-cv-00108-AWA-TEM

**OCWEN LOAN SERVICING, LLC,
THE HUNOVAL LAW FIRM, POORE
SUBSTITUTE TRUSTEE, LTD.,
DAVID TKACH, AND OCWEN LOAN
SERVICING BOARD OF DIRECTORS,**

Defendants.

MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), defendants Poore Substitute Trustee, Ltd. and The Hunoval Law Firm, PLLC, which is misidentified as The Hunoval Law Firm in the above caption, file this Motion to Dismiss in response to the Complaint of Plaintiff Frank Bonadio (Plaintiff).

The grounds for this motion are set forth in the Memorandum In Support of Motion to Dismiss which is being filed herewith.

ROSEBORO NOTICE

Warning to *pro se* parties pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975):

1) The *pro se* party is entitled to file a response opposing the motion and that any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and

2) The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and

3) The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

4) The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

Respectfully submitted,

The Hunoval Law Firm, PLLC

Dated: August 15, 2013

/s/ Brian A. Calub

Brian A. Calub (VA Bar No. 46716)

Email: brian.calub@hunovallaw.com

Jared Slater (VA Bar No. 79066)

Email: jared.slater@hunovallaw.com

501 Minuet Lane, Suite 104-A

Charlotte, North Carolina 28217

Phone: (704) 626-4383

Fax: (704) 625-9158

*Counsel for Poore Substitute Trustee, Ltd., and
The Hunoval Law Firm, PLLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 15th Day of August, 2013, a copy of the foregoing Motion to Dismiss was sent first-class mail, postage prepaid, and email to:

Frank Bonadio
3505 Danbury Place
Williamsburg, Virginia 23188

The Hunoval Law Firm, PLLC

Dated: August 15, 2013

/s/ Brian A. Calub

Brian A. Calub (VA Bar No. 46716)

Email: brian.calub@hunovallaw.com

Jared Slater (VA Bar No. 79066)

Email: jared.slater@hunovallaw.com

501 Minuet Lane, Suite 104-A

Charlotte, North Carolina 28217

Phone: (704) 626-4383

Fax: (704) 625-9158

*Counsel for Poore Substitute Trustee, Ltd., and
The Hunoval Law Firm, PLLC*